

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31473 of 2020

Arising Out of PS. Case No.-295 Year-2019 Thana- AURAI District- Muzaffarpur

1. NATHUNI SAHNI S/o Late Jagu Sahni Resident of Village-Shambhuta Dih, Tola, P.S.-Aurai, District-Muzaffarpur.
2. Gama Sahni @ Kamaldeo Sahni S/o Jagdish Sahni Resident of Village-Shambhuta Dih, Tola, P.S.-Aurai, District-Muzaffarpur.
3. Lakshman Sahni S/o Sumendra Sahni Resident of Village-Shambhuta Dih, Tola, P.S.-Aurai, District-Muzaffarpur.
4. Laxmi Sahni S/o Nagendra Sahni Resident of Village-Shambhuta Dih, Tola, P.S.-Aurai, District-Muzaffarpur.
5. Kanhai Sahni S/o Rudal Sahni Resident of Village-Shambhuta Dih, Tola, P.S.-Aurai, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2021 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Damodar Prasad Tiwary, Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Aurai PS Case No. 295/2019 registered for the offence punishable under Sections 272, 273/34 of the IPC and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation, as per First Information Report, is that the police on the basis of direction give by Superior Officer proceeded towards the place of occurrence and recovered 36



litres of illicit liquor kept beside the houses of five other accused persons, the petitioners allegedly, succeeded in fleeing away from the place of occurrence along with illicit liquors.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case with oblique motive. Learned counsel further submits that petitioners have got no criminal antecedents and no liquor has been recovered from their conscious possessions or from the premises belonging to them. Learned counsel next submits that the illicit liquor has been recovered being kept beside the houses of five other accused persons.

5. Thus, the submission is that upon perusal of the FIR and seizure list no, *prima facie*, offence under the Excise Act is made out against the petitioners.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no liquor has been recovered from the conscious possession of the petitioners or from their premises and petitioners have got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, petitioners, named above, shall be



released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Aurai PS Case No. 295/2019, subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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